

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

Vincent Kiejzo

Defendant

Case No.: 20-CR-40036-TSH

JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(b)

The United States of America and the defendant Vincent Kiejzo, through their respective counsel, hereby submit this joint memorandum addressing Local Rule 116.5(b).

The government and the defendant Kiejzo request that the status conference scheduled for March 4, 2021 be treated as an interim status conference and request that a hearing on discovery motions be scheduled for approximately 30 days in the future.

I. Local Rule 116.5(b)(1)

On September 10, 2020, November 12, 2020, December 23, 2020 and January 13, 2021 the government produced automatic and voluntary, supplemental discovery as required by Fed. R. Crim. P. 16 and Rules 116.1(c) and 116.2 of the Local Rules of the United States District Court for the District of Massachusetts.

II. Local Rule 116.5(b)(2)

On or about February 16, 2021 the defendant made a request for additional discovery. The government has agreed to provide some of the information requested and anticipates having that information by Friday, March 12, 2021. This information will be provided under seal, in accordance with the existing protective order. D. 31.

III. Local Rule 116.5(b)(3)

The defendant requires time to review the government's March 12, 2021 response and requests a 30 day filing date for any discovery motions.

IV. Local Rule 116.5(b)(4)

A protective order was issued regarding search materials in this case. D. 31. Forensic examination materials are being provided, identified as "Sensitive," in accordance with this order.

V. Local Rule 116.5(b)(5)

The parties agree that it is too early to set a motion schedule under Fed. R. Crim. P. 12(b). The parties ask that a motion date under Fed. R. Crim. P. 12(c), if necessary, be set at the next status conference after the defense has had a chance to complete its review of the discovery materials provided by the government during automatic discovery, as well as the additional materials the government has subsequently produced.

VI. Local Rule 116.5(b)(6)

The parties propose that expert disclosures for the government, if any, be due 45 days before trial and that the defendant's expert disclosures, if any, be due 21 days before trial.

VII. Local Rule 116.5(b)(7)

The defendant does not intend to assert a defense of insanity, public authority, or alibi.

VIII. Local Rule 116.5(b)(8)

The government and the defendant agree that the period from Kiejzo's first appearance upon his indictment on October 2, 2020 through March 4, 2021, the date set for the current status conference, was properly excluded by this Court's order on excludable delay. [D.18, 25, 36]. The government and the defendant further agree that the time period between March 4,

2021, and the next status conference should be excluded because the parties have been and are using the period of the continuance to complete production and review of discovery, and also to explore a non-trial disposition of the case. Therefore, the parties request that this Court find that the ends of justice served by excluding the period of this continuance outweigh the best interest of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A).

VIX. Local Rule 116.5(b)(9)

The parties are engaged in ongoing discussions regarding disposition. If the matter were to proceed to trial with the evidence to date, the parties anticipate that trial would last 3 days. The defendant does not require the services of an interpreter and is not in custody.

X. Local Rule 116.5(b)(10)

The government and the defendant request that a date for a hearing on discovery motions date be established approximately 30 days in the future to enable the defendant to review discovery, file necessary motions, and to enable the parties to continue exploring a pre-trial disposition of the case.

Vincent Kiejzo,
By his Attorney

/s/Sandra Gant
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Respectfully submitted,

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Date: March 3, 2021

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and by regular mail to the participants who do not receive electronic filing.

/s/ Kristen M. Noto

Kristen M. Noto

Assistant U.S. Attorney

Date: 3/3/2021